

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		10715055	
	Filing Date		2003-11-17	
	First Named Inventor	Gerald Cagle		
	Art Unit	1618		
	Examiner Name	Fay, Zohreh A.		
	Attorney Docket Number	007109.00001		

### U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/ZF/	1	5149693		1992-09-22	Cagle et al.	

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### U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/ZF/	1	20070049552	A1	2007-03-01	Babu et al.	
/ZF/	2	20060276777	A1	2006-12-07	Coroneo	
/ZF/	3	20060183698	A1	2006-08-17	Abelson	
/ZF/	4	20060074053	A1	2006-04-06	Asada et al.	

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### FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
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	1	0001365	WO		2000-01-13	Leo Pharmaceutical Products Ltd.		<input type="checkbox"/>
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## NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
/ZF/	1	"Plaintiffs Alcon, Inc.'s and Alcon Manufacturing, Ltd.'s Responsive Interrogatory Concerning Defendant's Supplemental § 112, ¶ 1 Defenses," (1-22-08) Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	2	"Defendant's Supplemental Responses to Plaintiffs' Interrogatories Nos. 3, 7-9, 16, 18, 23, and 24," (11-27-07) Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	3	Pawar et al., AAPS PharmSciTech, 7(1), E1-E6 (2006), "Effect of Formulation Factors on In Vitro Permeation of Moxifloxacin From Aqueous Drops Through Excised Goat, Sheep, and Buffalo Corneas"	<input type="checkbox"/>
	4	Chan et al., Anal. Biochem., 353, 30-36 (2006), "Determination of ofloxacin and moxifloxacin and their penetration in human aqueous and vitreous humor by using high-performance liquid chromatography fluorescence detection"	<input type="checkbox"/>
	5	Expert Report of Eduardo C. Alfonso, M.D. (43 pages; dated 9/19/07) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	6	Expert Report of Ashim K. Mitra, Ph.D. (27 pages; dated 9/19/07) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	7	Expert Report of George G. Zhanel, Ph.D. (66 pages; dated 9/19/07) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	8	Gennaro, Alfonso, R., "19th Edition, Remington: Practice of The Science & Pharmacy, 1995" Ophthalmic Preparations, Chapter 89, pgs. 1563-1576	<input type="checkbox"/>



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/ZF/	9	Trial Transcript for February 28, 2008 for Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	10	Trial Transcript for March 3, 2008 for Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	11	Trial Transcript for March 4, 2008 for Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	12	Trial Transcript for March 5, 2008 for Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	13	Trial Transcript for March 6, 2008 for Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 (SLR))	<input type="checkbox"/>
	14	USP Dictionary of USAN and International Drug Names (2000 edition), pg. 479, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	15	Monograph for Vigamox from the 61st edition of the Physician's Desk Reference, published in 2007, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	16	Modern Pharmaceutics, 2nd ed. (1990), Ch. 14: Design and Evaluation of Ophthalmic Pharmaceutical Products (Marcel Dekker, Inc., New York), from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	17	Tierney et al., eds., Current Medical Diagnosis & Treatment, 37th ed. (1998), pp. 186, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	18	Entry for "Ciloxan Solution/Drops; Ophthalmic" in the U.S. Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations; from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
↓	19	Monograph for Ciloxan from the 53rd edition of the Physician's Desk Reference, published in 1999, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>

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/ZF/	20	Firestone et al., "Solubility characteristics of three fluoroquinolone ophthalmic solutions in an in vitro tear model," Int J. Pharm 164 (1998) 119-128, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	21	Poster entitled "Synthesis and In Vitro Activity of BAY12-8039, a New 8-Methoxyquinolone" from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	22	Abstract entitled "Synthesis and In Vitro Activity of BAY12-8039, a New 8-Methoxyquinolone,"with associated documents from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	23	Monograph for Ciloxan from the 50th edition of the Physicians' Desk Reference, published in 1996, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	24	Monograph for Tobradex Ophthalmic Suspension from the 50th edition of the physicians' Desk Reference, published in 1996, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	25	Entry for "Ciloxan Ointment; Ophthalmic" in the U.S. Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, from List of Exhibits to Expert Report of Dr. Loyd V. Allen, Jr.	<input type="checkbox"/>
	26	Franz-Josef Schmitz et al., "Relationship between ciprofloxacin, ofloxacin, levofloxacin, sparfloxacin and moxifloxacin (BAY 12-8039) MICs and mutations in grlA, grlB, gyrA and gyrB in 116 unrelated clinical isolates of Staphylococcus aureus," Journal of Antimicrobial Chemotherapy (1998) 41, 481-484	<input type="checkbox"/>
	27	A. Dalhoff et al, "In vitro Activity of BAY 12-8039, a New 8-Methoxyquinolone,"Chemotherapy 1996; 42: 410-425," Plaintiff's Exhibit 1124; Deposition Exhibit D-124 11-15-07	<input type="checkbox"/>
	28	Deposition of David W. Stroman, Ph.D, 6/21/07, Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	29	Defendant's Supplemental Notice Pursuant to 35 U.S.C. § 282, 1/25/08, Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
		30	PTX0059: Confidential letter dated 2/21/06 regarding Patent Certification Notice - U.S. Patent Nos. 4,990,517, 5,607,942, and 6,716,830 Moxifloxacin Hydrochloride Ophthalmic Solution, 0.5% as base, Teva Pharmaceuticals USA, Inc.'s ANDA 78-073, 20 pages, in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)

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/ZF/ 	31	PTX0086: Excerpt of Kathleen Alford's Lab Notebook (AL0022-000011-014) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	32	PTX0089: Alcon Research Compound Submission (AL007-023353) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	33	PTX0094: Bayer Data (BL002-024345-0024346) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	34	PTX0095: Bayer Data (BL002-029484) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	35	PTX0096: Bayer Data (BL002-030069) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	36	PTX0097: Bayer Data (BL002-031182-031183) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	37	PTX101: Curruculum Vitae of Loyd V. Allen, Ph.D. in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	38	PTX115: Petersen et al., Synthesis and in vitro Activity of BAY 12-8039, A New 8-Methoxy-quinolone, 36th ICAAC (1996) (Abstract) (BL014-011453-011455) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	39	PTX0135: Klugman and Capper, Concentration-dependent Killing of Antibiotic-resistant Pneumococci by the Methoxyquinolone Moxifloxacin, J. Antimicrobial Chemotherapy, 40:797-02 (1997) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	40	PTX0136: Ostergaard et al., Evaluation of Moxifloxacin, a New 8-Methoxyquinolone, for Treatment of Meningitis Caused by a Penicillin-Resistant Pneumococcus in Rabbits, Antimicrobial Agents and Chemotherapy, 42: 1706-12 (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	41	PTX0137: Woodcock et al., In Vitro Activity of Bay 12-8039, A New Fluoroquinolone, Antimicrobial Agents and Chemotherapy, 41(1):101-06 (1997) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>

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/ZF/ 	42	PTX0163: Certified Copy of EP Application 0195316 A1, Irikura et al., Quinolonecarboxylic Acid Derivatives (Kyorin) (RT001-012950-012993) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	43	PTX0171: Curriculum Vitae of Dr. George G. Zhanel in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	44	PTX0184-D: Chaudhry et al., Scleral Buckle Infection with Ciprofloxacin-Resistant Pseudomonas aeruginosa, Arch. Ophthalmol., 116:1251 (1998) Date Stamped Copy in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	45	PTX0189: Chaudhry et al., Emerging Ciprofloxacin-Resistant Pseudomonas aeruginosa, Am. J. Ophthalmology, 128 (4):509-10 (1999) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs Exhibit List)	<input type="checkbox"/>
	46	PTX0194-D: Ball et al., Therapeutic Advances of New Fluoroquinolones, Expert Opinion on Investigational Drugs, 7 (5):761-83 (1998) Date Stamped Copy in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs' Exhibit List)	<input type="checkbox"/>
	47	PTX0209: Leophonte et al., Trovafloxacin Versus Amoxicillin/Clavulanic Acid in the Treatment of Acute Exacerbations of Chronic Obstructive Bronchitis, Eur. J. Clin. Microbiol. Infect. Dis., 17:434-40 (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Plaintiffs Exhibit List)	<input type="checkbox"/>
	48	PTX2030I: Powerpoint slide: Some Compounds are Maintained Longer in the Aqueous Humor in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	49	PTX2031A: Powerpoint slide: Moxifloxacin In Solution in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
	50	PTX2031B: Powerpoint slide: Moxifloxacin In Solution in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>

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**EXAMINER SIGNATURE**

Examiner Signature	/Zohreh Fay/ (09/16/2009)	Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.